

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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RAYMOND SWAINSON,	:	
	:	
Plaintiff,	:	1:21-CV-5379-GHW
	:	
-v -	:	<u>ORDER</u>
	:	
LENDINGCLUB CORPORATION, et al.,	:	
	:	
Defendants.	:	
	:	
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GREGORY H. WOODS, United States District Judge:		

On June 24, 2022, the Honorable Sarah L. Cave issued a Report and Recommendation (“R&R”) recommending that the Court grant TransUnion’s motion to dismiss the amended complaint and to grant Plaintiff leave to amend his FRCA claim only. Dkt. No. 55 at 22. The R&R describes in detail the facts and procedural history of this case.

A district court reviewing a magistrate judge’s report and recommendation “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Parties may raise specific, written objections to the report and recommendation within fourteen days of receiving a copy of the report. *Id.*; *see also* FED. R. CIV. P. 72(b)(2). The Court reviews for clear error those parts of the report and recommendation to which no party has timely objected. 28 U.S.C. § 636(b)(1)(A); *Lewis v. Zon*, 573 F. Supp. 2d 804, 811 (S.D.N.Y. 2008).


No objection to the R&R was submitted within the fourteen-day window. The Court has reviewed the R&R for clear error and finds none. *See Braunstein v. Barber*, No. 06 Civ. 5978 (CS) (GAY), 2009 WL 1542707, at \*1 (S.D.N.Y. June 2, 2009) (explaining that a “district court may adopt those portions of a report and recommendation to which no objections have been made, as long as no clear error is apparent from the face of the record.”). Having reviewed the record, the parties’

submissions in connection with the Defendants' motion to dismiss, and the R&R, the Court agrees with Judge Cave's conclusions and adopts the R&R in its entirety. For the reasons articulated in the R&R, TransUnion's motion to dismiss the amended complaint is GRANTED. Plaintiff is granted leave to amend his dismissed FRCA claim against TransUnion but is otherwise denied leave to amend. Any amended complaint must be filed within fourteen (14) days of the date of this order.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444–45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: July 12, 2022  
New York, New York

  
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GREGORY H. WOODS  
United States District Judge